IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 108 OF 2007

Mrs. Luz Bonifacio Bernardo
Navelkar Ornate Estate
Building A, Flat No. AS-3,
Bainguinim, Old Goa, Ilhas, Goa ..... Petitioner.

V/s.

1. Union of India,
By the Secretary, (Ministry of Home Affairs),
Government of India,
New Delhi.

2. State of Goa
by the Under Secretary,
Home Department (F& CD),
Secretariat, Porvorim, Goa.

3. Deputy Superintendent of Police
& Foreigners Registration Officer,
Panaji, Goa.

4. The Collector of North Goa,
Collectorate, Panaji, Goa. ..... Respondents.

Mr. Aires Rodrigues, Advocate for the Petitioner.

Mr. C. A. Fereira, Asst. Solicitor General for the respondent No.1.

Ms. W. Coutinho, Government Advocate for the respondents No. 3 & 4.

CORAM : S.A. BOBDE &
N. A. BRITTO, JJ.

DATE : 21st March, 2007.

ORAL JUDGMENT : (Per BOBDE, J.)

Heard. Rule, returnable forthwith. Heard by consent.

2. The petitioner, who is a Philippine National has been ordered to be deported from Indian by the impugned letter dated 19.02.2007, issued by the Dy. Superintendent of Police & Foreigners Registration Officer, Panaji, Goa.

3. The petitioner entered India under a tourist visa, which expired sometime in the year 1994. Thereafter, the petitioner continued on a residential permit. Admittedly, the respondents have not renewed the residential permit. After the year 2001, even though the petitioner has apparently applied for such renewal, the petitioner did not hear anything from the respondents, except the impugned letter ordering her deportation from India.

4. Mr. Rodrigues, the learned Counsel for the petitioner submitted that the petitioner has, in the meanwhile, married an Indian National and has a child who is about eight and half years old. She is due to appear for her examination sometime in the end of April, 2007. He further submitted that the petitioner has applied for citizenship under Section 5 of the Citizenship Act, 1955 and is awaiting orders on her application for citizenship.

5. Mr. Fereira, the learned Asst. Solicitor General does not dispute

the fact that the petitioner has applied for citizenship, but states that such a request can be granted only after the reports from several agencies are received. Admittedly, the procedure for grant of citizenship takes time. In the circumstances, we see no right in the petitioner to stay in India without extended residential permit or even the tourist visa. However, having regard to the fact that the petitioner has resided in India since 1994 and there is no allegation of having been involved in any illegal activity and further having regard to the fact that she has a child from an Indian National who is due to appear for examination, we consider it appropriate, in the interest of justice, to allow the petitioner to stay in this country till end of May, 2007. Thereafter, the petitioner will have to comply with the impugned letter dated 19.2.2007, unless she is granted citizenship before that. As stated by the Authorities in the impugned letter, she would be entitled to visit India after obtaining a proper ("X") visa.

6. With the aforesaid observation, we do not consider it appropriate to pass any further order. Therefore, subject to the direction above, the petition stands dismissed. Rule is discharged.

S.A. BOBDE, J.

N.A. BRITTO, J.

ssm.